IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 22544 of 2004

Between:

Sri Gadi Raju Narayan Raju S/o.Satyanarayana Raju
Aswaraopet Mandal, Khammam Dist.

... PETITIONER

AND

1 The Superintendent of Police, Khammam Dist.
2 The Deputy Superintendent of Police Sattupalli, Khammam Dist.
3 The Inspector of Police Aswaraopet police Station
Aswaraopet Mandal, Khammam Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate, with order or direction more particularly in the nature of writ of mandamus declaring the action of respondents in opening a rowdy/history sheet against he petitioner as illegal and arbitrary and consequently direct the respondents here in to close the same forthwith.

Counsel for the Petitioner: MR.G.RAMESH

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Learned counsel for the petitioner submits that opening of the rowdy sheet against the petitioner, even though the petitioner is not a habitual offender involved in breach of peace, is illegal, unsustainable and against the standing order 742 of the Police Standing Orders.

Under Standing Order 742 a rowdy sheet can be opened against any person if he is a habitual offender involved in breach of public peace. Admittedly only one case in Cr.No.96 of 2004 is pending against the petitioner for the offence under Section 3 (ii) (x) of SC ST (Prohibition of Attrocities) Act, 1989 on the file of the Sub-Court at Sattupalli. By mere pendency of one single case it cannot be said that the petitioner is a habitual offender. To treat a person as a habitual offender at least two cases must be pending against him or he should have been convicted in more than one case.

Therefore, I am of the opinion that by mere pendency of one single case against the petitioner he cannot be treated as a habitual offender and the continuation of the rowdy sheet against the petitioner opened on 28.11.2004 on the file of the third respondent is illegal and unsustainable.

Accordingly, the writ petition is allowed directing the respondents to close the rowdy sheet opened against the petitioner. No costs.

V. ESWARAIAH, J

March 16, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Wednesday the Sixteenth day of March Two thousand and Five.

To

1 The Superintendent of Police, Khammam Dist.
2 The Deputy Superintendent of Police Sattupalli, Khammam Dist.
3 The Inspector of Police Aswaraopet police Station
Aswaraopet Mandal, Khammam Dist.

4 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

5 Two CD Copies.